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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,621	04/22/2004	Aaron E. Yocum	YOCUM-I	5837
<div>32132      7590      10/26/2007 LAMORTE &amp; ASSOCIATES P.C. P.O. BOX 434 YARDLEY, PA 19067</div>				
			EXAMINER DONNELLY, JEROME W	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/828,621

Applicant(s)

YOCUM, AARON E.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pedone.

Pedone discloses a device comprising a framework having vertical rails defining at least three non-parallel striking planes and connectors disposed along each of said rails for joining boards to said rails.

The connectors being in the form of hook and loop fasteners. Elements (38) are considered as striking targets. (Applicant is reminded that in claim 1 connectors which are capable of connecting, are disclosed). Striking boards are not positively being claimed in claim 1 only connectors.

In regard to claims 2 and three not fig. 1.

In regard to claims 4 and 11 not horizontal disposed rails of Pedone which is positioned midway down frame, frames 8 and 10. These are considered as catch partitions.

In regard to claim 6, note col. 7, lines 63-65.

In regard to claims 7 and 12 are rails, elements (38) are striking targets and said targets are attached to said rail by Velcro.

In regard to claims 9 and 10 note Fig. 1. wherein the width is smaller than the height.

The method of claims 14-16 is disclosed by suspending elements (38) on Pedone see fig. 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedone in view of Lu et al.

Pedone does not specifically disclose his device as including wooden or plastic boards, Pedone however does disclose panels (38) Lu et al discloses self-supported panels (24).

Given the teaching of Lu et al of manufacturing display panels of substantially rigid self support panels the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture those panels of substantially rigid material such as wood or plastic.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Heberer 4973045.

Heberer discloses a striking device fig. 3 comprising a plurality of rails (5), said rails having a plurality of planes and connectors (53) have side edges that face into said framework and outwardly of said frame work where said connectors are disposed completely around all side edges of said vertical frames. All side edges of said framework would include inside and outside edges.

Application/Control Number: 10/828,621

Page 4

Art Unit: 3764

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', with a large loop at the beginning and a trailing flourish.

Jerome Donnelly

**JEROME DONNELLY  
PRIMARY EXAMINER**